APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,137	09/26/2001	Awele Ndili	24286-712	1817

21971 7590 09/30/2005	EXAMINER
WILSON SONSINI GOODRICH & ROSATI	SCUDERI, PHILIP S
650 PAGE MILL ROAD	

	ART UNIT	PAPER NUMBER
	2153	

DATE MAILED: 09/30/2005

WILSON SONSINI GOODRICH & ROSATI
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PALO ALTO, CA 94304-1050

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>31 August 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>see attached response.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

KRISNA LIM
PRIMARY EXAMINER

ADVISORY ACTION

1.   This Office Action is in response to Applicant's after-final amendment filed August 31,

2005. Claims 1-26 are pending.

Response to Amendment

2.   Applicant's amendments merely fix informalities and will therefore be entered. Applicant's

amendments have overcome the objections to claims 1 and 7.

Response to Arguments

3.   Applicant contended that "[t]here are four parameters that are identified with respect to the

mobile device and the network site: communication protocol, programming and mark-up language,

and natural language format."

4.   Examiner thanks Applicant for attempting to clear up the difference between a

"programming language" and a "mark-up language". As Examiner discussed with Applicant, the

specification does appear to both provide support for a distinction between the terms and not

making a distinction between the terms. An example of a distinction between the terms can be

found on page 20 lines 26-27, where on finds ""[t]he programming and mark-up language of the

network sites may, for example, be one of HTML and Javascript". HTML reads on a mark-up

language and Javascript could read on a programming language. An example of no distinction

between the terms can be found on page 20 lines 25-26, where one finds "**[t]he** programming and

mark-up language of the mobile device 920 may, for example, be **one** of HTML, WML, CHTML"

(emphasis added). Since the specification does support not making a distinction between the terms,

Examiner's original interpretation of the claims (that only <u>three</u> parameters must be shown in order

to meet the claim) is consistent with the specification and is therefore a reasonable interpretation. If Applicant intents to identify <u>four</u> parameters, making a distinction between "programming" and "mark-up" languages, then Examiner suggests placing the following limitation in the claims: "communication protocol, programming language, mark-up language, and natural language format".

5.   Applicant contends that Examiner recognized that Marmor discloses "character converstion of the human language", which is true. Applicant contends that Examiner recognized that Marmor does not disclose the claimed elements cited above. However, Examiner merely admitted that Applicant <u>might</u> be correct and promised to fully consider any after-final arguments. The "communication protocol" reads on converting character encoding, as taught by Marmor (e.g., column 11 lines 19-20). The "natural language format" reads on converting languages, as taught by Marmor (e.g., column 16 lines 13-22). The "programming and mark-up language" reads on converting mark-up languages, as taught by Carlino (e.g., page 18 lines 7-14). Therefore, the claims stand rejected.
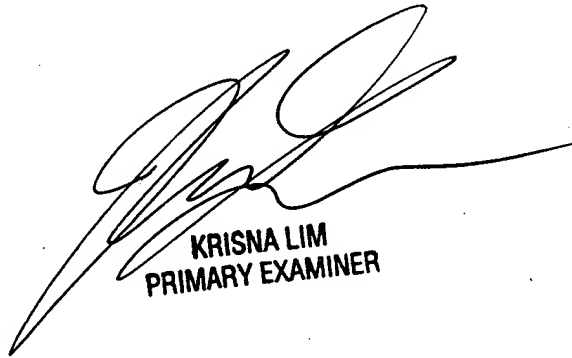
Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

7.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS

KRISNA LIM
PRIMARY EXAMINER